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Pursuant to the foregoing Consent to Entry of Order, the evidence presented before the Board, the Board's records and file in this matter, and for good cause appearing, the Board on this 17th day of January, 1990, enters the following order:

1. Denis Lee Johannes worked as a pharmacist for Walgreens at 3402 West Camelback, Phoenix, Arizona.
2. Walgreens conducted a formal audit of the pharmacy records at the pharmacy at 3402 West Camelback when it discovered a large amount of generic equivalent Fiorinal #3 had been ordered.
3. The Walgreens audit discovered that Mr. Johannes had created fraudulent prescription records and diverted the controlled substances from these fraudulent orders for his own personal use during the period from January 3, 1987 to July 10, 1989. Pursuant to this finding, Mr. Johannes was terminated from the Walgreens Company on July 14, 1989.

1 4. This matter was reported to the Arizona State
2 Board of Pharmacy. The prescription records indicated that Dr.
3 Douglas Traub of Rapid City, South Dakota had prescribed the
4 controlled substance analgesics for use by Mr. Johannes. The
5 Pharmacy Board contacted Dr. Douglas Traub of Rapid City, South
6 Dakota.

7 5. Dr. Traub indicated that he had not seen Mr.
8 Johannes as a patient since 1985. Dr. Traub reviewed nine
9 prescriptions which were filled at Walgreens Store No. 802 and
10 dispensed to Mr. Johannes. Dr. Traub did not authorize these
11 prescriptions. Dr. Traub also reviewed the refills of these
12 prescriptions and indicated that he did not authorize these
13 refills. The correspondence by Dr. Traub is attached and
14 incorporated herein by reference.

15 7. The Board finds that Mr. Johannes dispensed
16 prescription-only medication to himself without the
17 authorization of a medical practitioner as set forth in the
18 attached records.

19 8. The Board further finds that Mr. Johannes
20 dispensed controlled substance medication to himself without a
21 valid prescription order.

22
23 CONCLUSIONS OF LAW

24 1. The Board concludes that it has jurisdiction of
25 this matter pursuant to A.R.S. § 32-1927.

1 2. The Board concludes that Mr. Johannes dispensed
2 controlled substances as defined in A.R.S. § 36-2515 and C.F.R.
3 § 1308 without a prescription order as defined in A.R.S.
4 § 32-1901(52), in violation of A.R.S. § 36-2525(D) and C.F.R.
5 § 1306(21).

6 3. The Board also concludes that Mr. Johannes
7 dispensed prescription-only drugs as defined in A.R.S.
8 § 32-1901(51)(D) without a prescription order as defined in
9 A.R.S. § 32-1901(52) in violation of A.R.S. § 32-1960(A) and
10 U.S.C. 503[3]53(B)(C).

11 4. The Board further concludes that Mr. Johannes
12 violated A.R.S. § 32-1927(B)(2).

13
14 ORDER

15 Certificate No. 7951 issued to Denis Lee Johannes is
16 suspended for a three-year period effective January 17, 1990 and
17 ending January 17, 1993. The Suspension is stayed as of
18 January 17, 1990 and Mr. Johannes is placed on probation
19 effective January 17, 1990 through January 16, 1998, with the
20 following terms:

21 1. Respondent must continue in the Pharmacists
22 Assisting Pharmacists of Arizona Program until January 17, 1993.

23 2. All license renewal fees and C.E. requirements are
24 due during the term of suspension and probation.

25 3. Respondent shall obey all federal and state laws
26 and rules governing the practice of pharmacy.

1 4. Respondent shall bear responsibility for the
2 release of information forms and reports as directed by this
3 Order.

4 5. Respondent shall bear all costs for testing,
5 rehabilitation, aftercare programs and reports to be filed as a
6 condition of this order or as part of his participation in the
7 Pharmacist assisting Pharmacist Program.

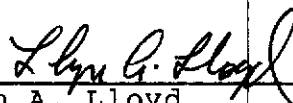
8 6. If Respondent violates this Order in any way or
9 fails to fulfill the requirements of this Order, the Board,
10 after giving Respondent notice and the opportunity to be heard,
11 may revoke, suspend or take other disciplinary action against
12 the Respondent.

13 7. Respondent shall "hold harmless" the Provider of
14 any required reports to the Board of Pharmacy.

15 Mr. Johannes is hereby notified that he has the right
16 to petition this Board for rehearing within ten (10) days of
17 receipt of this letter pursuant to the providers of A.A.C.
18 R4-23-109.

19 DATED this 19th day of January, 1990.

20 ARIZONA STATE BOARD OF PHARMACY

21
22 
23 Llyn A. Lloyd
24 Executive Director
25
26

1 COPY of the foregoing Findings of
2 Fact, Conclusions of Law and Board
3 Order mailed by Certified Mail this
4 17th day of January, 1990, to:

5 Denis Lee Johannes
6 2721 East Elm
7 Phoenix, AZ 85016

8 and by Courier Mail to:

9 Timothy Agan
10 Assistant Attorney General
11 1275 West Washington
12 Phoenix, AZ 85007
13 Attorney for the State

14 2665a(40)
15 CIV89-2135
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